IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

RPFC.No. 21 of 2004()

MC.490/2000 of FAMILY COURT, MANJERI,
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PETITIONER (RESPONDENT):

KARUKAYIL PRAKASH, S/O.LATE KUMARAN,
KARUKAYIL HOUSE, PADINHARAKKARA P.O.,
KOOTTAYI VIA. PURATHOOR AMSOM,PADINHARAKKARA DESOM
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI
SRI.M.G.VENUGOPALAN

RESPONDENTS: (PETITIONERS):

1. KARUKAYIL KUMARI,
D/O. PULIKKAPPATT GOPALAN, PULIKKAPPATT HOUSE,
KERALADEESWARAPURAM P.O., THANALOOR VIA.,
TIRUR TALUK, MALAPPURAM.

2. PRAJITHA, MINOR 12 YEARS,
D/O. PRAKASH.

3. PROSOBH, MINOR 8 YEARS,
S/O. PRAKASH.

4. PRASEETHA, MINOR 3 YEARS,
S/O. PRAKASH.

5. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(MINOR RESPONDENTS 2 TO 4 ARE REPRESENTED BY THE
GUARDIAN MOTHER 1ST RESPONDENT).

BY ADV. SRI.T.K.AJITH KUMAR
SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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R.P.(F.C.) NO.21 OF 2004

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Dated this the 23rd day of October, 2007.

ORDER

The revision petitioner, who is the husband of the 1st respondent and father of respondents 2 to 4, was the counter petitioner in M.C. No.490/2000 on the file of the Family Court, Manjeri filed by respondents 1 to 4 herein seeking maintenance at the rate of Rs.500/- each per month. M.C. was filed on 30.10.2000. For the reason that he is employed abroad, the revision petitioner remained absent and was set ex parte. The Family Court finally disposed of the M.C. on 09.10.2001 directing the revision petitioner to pay maintenance at the rate of Rs.500/- per month to each of respondents 1 to 4. As on today nearly Rs.80,000/- is due from the revision petitioner under the impugned order.

2. Since the impugned order was passed without giving the revision petitioner an opportunity of contesting the matter, I am inclined to give him an opportunity provided he deposits substantial amounts towards his liability. Accordingly, if the revision petitioner deposits a sum of Rs.60,000/-(Rupees sixty thousand only) before the Family Court, Manjeri within one month from today, the impugned

order dated 09.102.001 will stand set aside. The revision petitioner will thereafter to be entitled to file his objections to the M.C. within two weeks therefrom and he shall also be given an opportunity to cross examine the deponent of the proof affidavit and may also adduce other rebuttal evidence if any. It the amount is not deposited as aforesaid, the impugned order will stand confirmed. It shall be open to respondents 1 to 4 to withdraw the amount as and when it is deposited. They may also file appropriate petition before the Family Court seeking interim maintenance, if so advised. The parties shall appear before the Family Court without any further notice on **23.11.2007.**

The R.P.(F.C.) is disposed of as above.

V. RAMKUMAR, JUDGE.

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